IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 11935 of 2004

Between:

Mr.Polasani Krishna Rao, s/o Bapanaiah,
r/o Plot No.119, veterinary Colony, Vijayawada-520 008.

..... PETITIONER

AND

Andhra Bank, Manuguru Branch, Manguru Khammam District
Andhra Pradesh rep., by Branch Manager.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus, directing the respondent bank for immediate return of the "Original Title deeds" belonging to the writ petitioner in the interest of justice and protection of fundamental rights ensured to the petitioner.

Counsel for the Petitioner : MR.T.V.L.NARASIMHA RAO

Counsel for the Respondent : MR.NOOTY RAMA MOHANA RAO

The Court at the stage of admission made the following :

O R D E R:

In this Writ Petition, the petitioner seeks a direction to the respondent-bank for immediate return of the “Original Title Deeds” of the immovable property deposited by him with the respondent at the time of availing vehicle loan.

The case of the petitioner, who is a contractor undertaking Civil Works, is that he maintained accounts with the respondent and having availed vehicle loan of Rs.1,20,000/- for purchase of TATA 1210 SE lorry, he deposited original title deeds of agricultural lands. The grievance of the petitioner is that though the entire dues of the vehicle loan with interest were repaid, the respondent having released the hypothecation charge on the R.C. Book of the vehicle did not return the original title deeds deposited by him. The respondent has no charge whatsoever on the property since the petitioner has repaid the entire loan amount. Even though the petitioner surrendered B.G. Bonds, in spite repeated demands and legal notices issued on 12-5-2003, 29-03-2004 and 26-05-2004, the respondent chose to remain silent. Aggrieved thereby, the petitioner approached this Court.

Heard the learned counsel for the petitioner and Sri Nuthi Ram Mohan Rao, Standing Counsel for the respondent.

The alleged non-return of certain documents admittedly arises out of a loan, which the petitioner had taken from the respondents. If the respondent, as alleged by the petitioner, in spite of his repaying the loan amount is not returning the documents hypothecated by him, his remedy, if any, is to approach the Ombudsman appointed by the Bank to look into such grievances, and certainly writ petition is not a remedy.

Hence, the writ petition is disposed of directing the petitioner to approach the Ombudsman appointed by the respondent-Bank to look into grievances arising out of loan agreements etc., by filing an application seeking appropriate directions. If any such application is filed, the Ombudsman shall consider and appropriate orders in accordance with law. No costs.

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICER.

15th July, 2004.

gs/asp

To

1. The Branch Manager, Andhra Bank, Manuguru Branch, Manuguru, Khammam district.

2. 2CD copies